

3. The Defendant, CVS Pharmacy, Inc. d/b/a Omnicare Pharmacy Services, is now and at all times intervening, organized and existing under the laws of the State of Rhode Island and having its principal place of business in Rhode Island.

4. The Defendant, South Carolina CVS Pharmacy, LLC d/b/a Omnicare Pharmacy Services, is now and at all times intervening, a limited liability company. The sole member of South Carolina CVS Pharmacy, LLC is CVS Pharmacy, Inc., a Rhode Island corporation with its principle place of business in Rhode Island.

5. The Defendant, NCS Healthcare of South Carolina, Inc. d/b/a Omnicare of Charleston, was a corporation organized and existing under the laws of the State of Ohio and having its principal place of business in Ohio. Further responding, NCS Healthcare of South Carolina, Inc. was converted to an Ohio limited liability company on December 31, 2017. The sole member of NCS Healthcare of South Carolina, LLC, an Ohio limited liability company (“NCS”), is NCS Healthcare, LLC, a Delaware limited liability company, which was the sole stockholder for NCS prior to the conversion.

6. The United States District Court for the District of South Carolina has original jurisdiction over Plaintiff’s Complaint pursuant to 28 U.S.C. § 1332. All parties to this action are diverse as citizens of different states as a corporation is considered a citizen of any state in which it has been incorporated or any state where it has its principle place of business. Furthermore, citizenship of a limited liability company is determined not by where the limited liability company is organized, but where its members have their citizenship. The Plaintiff’s Complaint demands judgment against the Defendant for actual damages and punitive damages. Although no specific monetary value is included in the Complaint, the Defendant suspects, upon information and belief, the damages alleged would exceed the sum or value of \$75,000.00,

exclusive of interest and costs; therefore, this action is one which may be removed to this Court by Defendant pursuant 28 U.S.C. § 1441.

7. A copy of this Notice for Removal is being served on all adverse parties and filed with the Clerk of Court, Charleston County Courthouse, where this case was originally filed.

8. The Defendant files herewith as Exhibit “A” copies of all process, pleadings and orders served upon them in this action as part of this Notice.

WHEREFORE, the Defendant, NCS Healthcare of South Carolina, LLC (improperly identified as CVS Pharmacy, Inc. d/b/a Omnicare Pharmacy Services, South Carolina CVS Pharmacy, LLC d/b/a Omnicare Pharmacy Services, and NCS Healthcare of South Carolina, Inc. d/b/a Omnicare of Charleston), respectfully requests that this Court will consider this Notice for Removal as provided by law governing the removal of cases to this Court; that this Court will make the proper orders to effect the removal of this cause of action from the Court of Common Pleas, Greenville County, to this Court; and that this Court will make such orders as may be appropriate to effect the preparation and filing of a true record of all proceedings that may have been had in the circuit court.

HOOD LAW FIRM, LLC
172 Meeting Street
Post Office Box 1508
Charleston, SC 29402
Phone: (843) 577-4435
Facsimile: (843) 722-1630
Email: Info@hoodlaw.com

s/ James W. Clement

Molly H. Craig (6671)
Brian E. Johnson (10098)
James W. Clement (12720)

*Attorneys for Defendant
NCS Healthcare of South Carolina, LLC
(improperly identified as CVS Pharmacy, Inc. d/b/a
Omnicare Pharmacy Services, South Carolina CVS
Pharmacy, LLC d/b/a Omnicare Pharmacy
Services, and NCS Healthcare of South Carolina,
Inc. d/b/a Omnicare of Charleston)*

March 15, 2018

Charleston, South Carolina

VERIFICATION

The undersigned attorney affirms and states:

That he is one of the attorneys for the Petitioner herein and is authorized to sign this Notice of Removal for Petitioner. That he has prepared and read the foregoing Notice of Removal and the matters and things therein are true as he verily believes.

s/ James W. Clement

James W. Clement (12720)